



Attorney Docket No. 249/463

JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Jong-youn LEE, et al.

Art Unit: 3735

Serial No. 10/830,113

Examiner: Zoe E. BAXTER

Filed: April 23, 2004

Confirmation No. 9017

For: APPARATUS AND METHOD FOR DIAGNOSING
SLEEP APNEA

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.56

Mail Stop: AMENDMENT
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 (or PTO-1449, *modified*) is a listing of a document(s) known to applicant in order to comply with applicant's duty of disclosure pursuant to 37 C.F.R. §1.56.

- A copy of each listed document is being submitted to comply with the provisions of 37 C.F.R. §§1.97 & 1.98. [Box checked if applicable.]
- A copy of each listed non-U.S. patent and/or patent publication and cited literature is being submitted to comply with the provisions of 37 C.F.R. §§1.97 & 1.98. Cited U.S. patents and patent publications are *not* attached in accordance with the waiver set forth in the Notice by the Deputy Commissioner for Patent Examination Policy dated July 11, 2003, applicable to applications having a U.S. filing date *after* June 30, 2003. [Box checked if applicable.]

* * *

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application. Applicant does not waive any rights to take any action that would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

Where available, copies of English language patent family members of non-English patent documents have been provided. Such submission of English language patent family members is for the convenience of the Office and is not to be construed as an indication that such English language patent family members are literal translations of the non-English patents. Applicant(s) expressly reserve their right to file verified English translations of the non-English patent documents.

Specifically, US 4,765,340 is identified as an English language patent family member for JP 61-228831.

- The listed document(s) is/are being submitted in compliance with 37 C.F.R. 1.97(b)(3): submission before the mailing date of the first action on the merits. [Box checked if applicable.]
 The foregoing document(s) came to applicant's attention during the prosecution of their corresponding Japanese application. A copy of the _____ Search Report is also attached. [Box(es) checked if applicable.]

CERTIFICATION

- The undersigned hereby certifies in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement. [Box checked if applicable.]

* * *

Applicant respectfully requests that the listed document(s) be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

* * *

FEE PAYMENT

- The fee mandated by 37 C.F.R. §1.17(p) is believed applicable. [Box checked if applicable.]
- Attached is Form PTO-2038 in payment of this fee (\$180.00). [Box checked if applicable.]
- This fee may be charged to Deposit Account No. 50-1645. (A duplicate copy of this paper is enclosed.) [Box checked if applicable.]

Respectfully submitted,

June 22, 2006

Date


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DEPOSIT ACCOUNT CHARGE AUTHORIZATION

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the above-paper may also be charged to Deposit Account No. 50-1645.



JUN 22 2006

PTO/SB/08A (04-03)

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Substitute for form 1449/RTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Complete if Known

Application Number	10/830,113
Filing Date	April 23, 2004
First Named Inventor	Jong-youn LEE et al.
Art Unit	3735
Examiner Name	Zoe E. BAXTER
Attorney Docket Number	249/463

Sheet 1 of 1

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.*	Foreign Patent Document Country Code ² *Number ⁴ *Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
	3	JP 61-228831 *	10-13-1986	SAKAI, et al.	
	4	JP 63-5729 *	01-11-1988	SAKAI, et al.	
	5	JP 04-022339 *	01-27-1992	OKURA	
		* with English Abstract			

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.¹ Applicant's unique citation designation number (optional).² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.⁵ Kind of document by Translation is attached.⁶ Applicant is to place a check mark here if Form 1301 is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SENN
TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-8122 (1-800-786-8122).